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Charles Toppan and of Mr. Joseph Sill, officers of the St. George's Society, that the sum of one thousand dollars should be collected and placed in the treasury of that society for the payment of Mr. Sully for a picture of the young Queen, then recently come to the throne, that decided him to go abroad. The idea was eagerly adopted by the society, the necessary petition to Her Majesty prepared, signed by its officers, and forwarded to our then Minister, Mr. Stevenson, of Virginia. Mr. Sully, accompanied by his daughter, sailed for England in October, and on his arrival in London had the pleasure of hearing that the petition had been favorably received, and that the Queen would sit for him as soon as the cares of State would allow.

Unfortunately, circumstances did not permit a beginning to be made until February, and not until May was the study-head finished. This was so greatly admired that Hodgson and Graves, the publishers, wished a half-length reproduction of it, to be engraved for them by Wagstaff. For this it was thought necessary to get the permission of the St. George's Society, and before the days of steam, a reply from the other side of the Atlantic was a long time in coming. The Secretary, however, wrote: "Make as many copies as may promote your interests." The half-length was finished in London, but little else came of the visit there, and the full-length picture for the Society was not finished until some months after Mr. Sully's return to Philadelphia.

Acting upon the permission given, the artist had begun a second full-length which he proposed to exhibit for his own benefit, but his right to do so was denied by some of the promoters of the scheme, who, finding how greatly the picture was admired, did not wish it to be repeated. Much discussion followed and so much ill feeling resulted that the matter was carried into court, and then was referred to a board of eminent lawyers, who decided that, unless otherwise stipulated, an artist did not part with his right to reproduce a picture, when he sold the first one.

The ill feeling produced by this conflict was very unfortunate, and to rid himself of the sight of the disputed picture, the artist presented it to the Thistle Society, of Charleston, S. C. The original full-length belongs to the St. George's Society, of Philadelphia, and is a beautiful specimen of the graceful but artificial manner of the portrait painters of the time. The original study of the head of the Queen remains in the family of the artist, and now belongs to his grandson.

DURING the past month three new Active Members have been elected to the Art Union: Mr. G. W. H. RITCHIE, of New York, Mr. GEORGE INNESS, JR., of Montclair, N. J., and Mr. JOHANNES A. OERTEL, of Morgantown, N. C.

## A JUST ENACTMENT.

IT appears from a recent number of *La Chronique des Arts* that the Commissioner of the Chamber of Deputies has accepted a proposition from N. Bardour declaring that "no person shall be allowed to reproduce, execute or represent publicly (*en vue du public*) the work of an artist without his consent, whatever may be the manner of reproduction, execution or representation.

This is a progressive step in the history of legislation that should be imitated by every country in which the claims of art are acknowledged as an important factor in civilization.

This action sweeps away by a single blow the obstructions to justice that were born of ignorance and have been fostered and continued by selfishness.

The right of a man to the produce of his hands is a fact that is universally recognized. It was probably one of the first ideas of justice that dawned upon the mind of the aboriginal man as he emerged from barbarism, but for thousands of years there appears to have been no claim even, for the right of property in anything that could not be either measured or weighed.

The patent and copyright laws as they formerly existed, and indeed as in many respects they now stand, were the first recognitions, imperfect as they were, that there was a property in the work of a man's brain that could be and ought to be protected by law; but in the laws enacted for this purpose, the new claims for property rights in brain work were made to give way to the laws that existed and the customs that prevailed in regard to other kinds of property. The old copyright law in this country only protected the mechanical means which were employed to reproduce the artist's design. A wood engraving, photograph or other reproduction was presented only as such—but the design that called for the employment of these mechanical means and brought them into existence was not entertained as a thing of any worth.

Some ten years ago, Congress was petitioned to enact laws declaring that the copyright of an original work of art inhered to the artist by virtue of his authorship, and could be used by other persons only with the written consent of the artist—but the congressional committee found that such an enactment, simple and just as it might be, would interfere with the elaborate patent and copyright laws. In the law that was passed, although an artist's design was protected as a design, yet the processes by which this protection was secured were so tedious, troublesome and disfiguring to their work that few artists have cared to avail themselves of it. [In the case of a painting or statue, the artist is required to

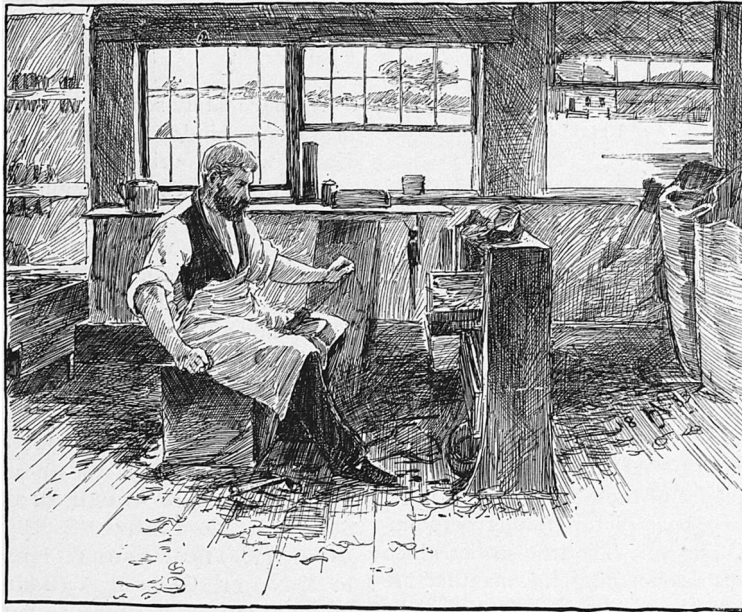
inscribe upon some visible portion of it the notice of entry for copyright in the form prescribed.]

It is difficult to understand (at least for the non-legislative mind) why the grower of a cabbage or the maker of a wooden box should not be required to make any further movement than introduction to establish his ownership, while the artist should be hampered with such formalities as generally render the alleged protection of no avail.

All honor then, to the French Government for cutting this Gordian knot for France.

P.

have done who have lived twice as long. His charities were extended in almost every direction, and his patronage of art was generous and judicious. A short time before he went abroad, he established the "Hallgarten Prizes," to be given as an incentive to young artists exhibiting in the annual exhibitions of the National Academy of Design. He made an endowment of \$12,000, in five per cent bonds, the interest of which is to be annually divided into the sums of \$300, \$200 and \$100, to be awarded respectively to the painters of the first, second and third best oil paintings of each



THE COBBLER—BY J. H. NIEMEYER—(DRAWN BY H. P. SHARE.)

IN THE AMERICAN ART UNION EXHIBITION.

### JULIUS HALLGARTEN.

MR. JULIUS HALLGARTEN, well known as a liberal patron of the fine arts, died suddenly at Davos-Platz, Switzerland, the latter part of last month.

Mr. Hallgarten was not a native of this country, but was brought to America when only ten years old. Engaging in the brokerage business at a very early age, he soon acquired a fortune, and a few months before his death, virtually retired from business and went with his family to Switzerland. Although only forty-two years of age at the time of his death, Mr. Hallgarten in his lifetime did more to merit a grateful remembrance after death than many of our millionaires

year, 'painted in the United States, by American citizens under thirty years of age, and not before exhibited in the city of New York—the award to be decided by the votes of artists exhibiting.' He also created an additional fund of \$5,000 in aid of the schools of the Academy, to be used at the discretion of the Council, with a further sum of \$300 to make the interest available for the coming annual exhibition. Mr. Hallgarten endowed the Art Students' League with a sum of \$5,000 for the support of its schools, he gave \$5,000 in aid of the Free Circulating Library in Bond Street, and gave \$1,000 to the Metropolitan Museum of Art, in recognition of the great interest he felt in the "progress and success" of that institution. In Mr. Hallgarten's death American Art has lost a good friend.